

b) an AV path for carrying AV signals representing video images and spoken audio to and from selected ones of the workstations;

c) a data path for carrying control signals to and from each of said workstations; and

d) at least one AV conference manager configured to manage a videoconference during which the video image and spoken audio of one participant, captured at a workstation, is reproduced at another workstation,

wherein the system is configured to use said data path to associate a participant with only each of a plurality of workstations at which the participant logs-in and to route an incoming videoconference call notification, for that participant, to each workstation at which that participant is currently logged-in.

49. The teleconferencing system of claim 48 further comprising:

a services directory containing workstation audio and video capabilities registered by a participant that enables the processing of a call to the participant based on the capabilities registered for that participant.

50. The teleconferencing system of claim 49 further comprising:

a service database correlating registered services capabilities with specified network resources.

51. The teleconferencing system of claim 50 wherein said services database is replicated in each of said plurality of workstations.

52. The teleconferencing system of claim 50 wherein each of said plurality of workstations associates a user with the user's specified network capabilities and establishes such services when a user logs-in.

53. The teleconferencing system of claim 52 wherein said AV conference manager detects if a called user is not logged in anywhere in the system and notifies a calling user accordingly.

54. A teleconferencing system for conducting a teleconference among a plurality of participants, comprising:

a) at least a first and a second workstation, each workstation having a visual image display monitor and associated participant audio and video capture and reproduction capabilities;

b) an AV path for carrying AV signals representing video images and spoken audio of the participants among the workstations;

c) a data path for carrying control signals to and from each of said workstations; and

d) at least one AV conference manager configured to manage a videoconference during which the video image and spoken audio of one participant, captured at a workstation, is reproduced at another selected workstation, wherein the system is configured to process static & dynamic information so as to associate a called participant with the workstation at which the participant logs-in and to connect said AV path to create a videoconference call with the called participant at the workstation at which the called participant is logged-in.

55. The teleconferencing system of claim 54 further comprising:

a services directory containing workstation audio and video capabilities registered by a participant that enables the processing of a call to the participant based on the capabilities registered for that participant.

56. The teleconferencing system of claim 55 further comprising:

a service database correlating registered services capabilities with specified network resources.

57. The teleconferencing system of claim 56 wherein said services database is replicated in each of said plurality of workstations.

58. The teleconferencing system of claim 56 wherein each of said plurality of workstations associates a user with the user's specified network capabilities and establishes such services when a user logs-in.

59. The teleconferencing system of claim 58 wherein said AV conference manager detects if a called user is not logged in anywhere in the system and notifies a calling user accordingly.

60. The teleconferencing system of claim 54 wherein said static information comprises graphics images and said dynamic information comprises audio or video information.

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#### REMARKS

This Preliminary Amendment is being submitted following a Final Office Action in the parent application dated February 16, 2000 and the filing of a Continuing Prosecution

Application on July 17, 2000 in response thereto. Entry of this Preliminary Amendment and consideration of the new claims and remarks distinguishing the invention set forth in all of the claims now pending in the application is respectfully requested.

Original claims 2-10 and 12-47 and new claims 48-60 are pending in the present application.

### ***Specification and Drawings***

Please substitute the enclosed specification for the present specification in the application. This substitute specification is being filed under 37 CFR 1.125(b) and contains the text as originally filed, the amendments that have previously been entered under 37 CFR 1.121 and the amendment submitted with the Amendment filed on January 27, 2000, but not entered by the Examiner, as advised in the Office Action dated February 16, 2000. No new matter has been added. A marked up copy of the present specification showing the changes that were made to the specification existing as of February 16, 2000 also is enclosed, as requested by the Examiner.

Applicant is submitting herewith for review and approval by the Examiner certain drawing corrections that previously had been submitted in the amendment filed on January 27, 2000 but were held to be informal by the Examiner in the Office Action dated February 17, 2000. The Examiner is requested to advise of any difficulty with the proposed changes and any suggestions to remedy such difficulty.

### ***The Invention***

The present invention as set forth in the claims is directed to a feature of the invention described in the entire specification and set of drawings as originally filed, and particularly at pages 28-37 and Figs. 3 and 20-23. According to the illustration of a calling sequence in Fig. 23, and as described at pages 33 and 34, a calling and called party must be "registered", i.e., logged in, to establish a communication through a system having at least a first and second workstation connected to an AV path and a data path. The AV path is for carrying AV signals representing video and audio, while the data path carries control signals to and from the workstations. An AV conference manager, configured to manage a videoconference, is connected to the workstations by the data path. The system is configured to associate a participant with only each workstation at which the participant logs-in to route a videoconference call for that participant, to each workstation.

The new claims 48 and 54 expressly define the invention with respect to various ones of these features, which have the common characteristic of enabling a participant to log-in to any workstation connected into the system, under control of the data path, and to be connected for receipt of dynamic or static information via an AV path. The other claims that remain pending in the application define various features of the invention in different terms, but nonetheless carry the common distinctive feature that in a teleconference environment, a participant is associated with only the workstations at which the participant is logged-in. In the absence of a log-in, there is no connection into the teleconference. Thus, incoming videoconference call notification is sent only to each workstation at which the participant is logged-in.

### *Claim Rejections - 35 USC 103*

Claims 2-10,12-16 and 25 were rejected under 35 U.S.C. § 103 as unpatentable over **Biswas et al** (Distributed Scheduling of Meetings) in view of **Rangan** (Software Architecture ...for Etherphone) and **Vin** (Multimedia Conferencing in the Etherphone Environment).

The combined teachings of the **Rangan** and **Vin** references previously were distinguished because their "call forwarding" and "visiting" functions were not pertinent to the log-in feature of the present invention, as outlined above. Call forwarding is used in telephone systems where a connection always is made to a specified location, which is a default location that is assigned a default telephone number. A caller always calls that default number. A called party may change the default location, but this requires a call to its default number to be sent to a second number. The present invention is based on a user logging-in with his ID at any of the workstations, having a connection established only if the user is logged in, and having the connection established wherever the user is logged-in. There is no default location and no second number. The visiting function in **Vin** causes calls to ring simultaneously at the user's original site and at a temporary site. The claimed locator function operates where ever the user is logged-in, and does not require an original and temporary site, a feature that again depends on a caller entering a default number that is assigned to a default location .

The Examiner recognizes this clear difference between the claimed invention and either or both of **Vin** and **Rangan**, because he must add a third reference, **Biswas et al**, to the rejection. **Biswas et al** is cited by the Examiner for a user interface in a distributed meeting application, serving as a calendar management system, where a participant is associated with a

workstation at which the participant is logged-in. The Examiner admits that **Biswas et al** does not teach a teleconferencing system with AV path for video/audio, AV conference manager, etc. There are even more bases for distinction with respect to the new claims, including the express recitation of a data path for command signals from the AV conference manager to and from the workstations.

The combination of these references can only be accomplished by the use of hindsight. The critical question as to why would one of ordinary skill use log-in as a basis for a calling or called party in the teleconference system of **Rangan** or the telephone system of **Vin** is not addressed, nor is the question of how such modification would be accomplished on the basis of the teaching of **Biswas et al** answered. **Rangan** does not recognize the need for such feature, and **Vin** cannot use such feature, as it depends on the dialing of an assigned telephone number for the call to then be forwarded to another number. Specifically, a called or calling party does not "log-in."

Claims 17 and 19-21 were rejected under 35 U.S.C. § 103 as unpatentable over **Biswas et al** (Distributed Scheduling of Meetings) in view of **Rangan** (Software Architecture ...for Etherphone) and **Vin** (Multimedia Conferencing in the Etherphone Environment), and further with regard to **Champa** (USP 5,315,633).

The addition of a fourth reference, **Champa**, does not remedy the basic deficiency in the basic combination of three references. **Champa** appears to be added for a teaching of plural codecs and a WAN-based teleconference system. However, there is no teaching of the locator functionality that is claimed. The Examiner is simply looking for bits and pieces of the applicant's combination invention in the prior art and has made the assumption that they may be combined, without considering the necessary motivation required by the U.S. Patent Law. As found in *Gambro Lundia AB v. Baxter Healthcare Corp*, 42 USPQ2d 1378, 1383 (Fed. Cir. 1997), when an obviousness determination is based on multiple prior art references, there must be a showing of some "teaching, suggestion, or reason" to combine the references. The "absence of such a suggestion is dispositive of an obviousness determination." While evidence of a suggestion, teaching or motivation to combine prior art references may flow, *inter alia*, from the references themselves, the knowledge of one of ordinary skill in the art or from the nature of the problem to be solved, such showing must be "clear and particular." *In re Dembiczak*, 50

USPQ2d 1614, 1617 (Fed. Cir. 1999). In view of the diverse systems taught by the several references, no such motivation comes from the references, nor is there any recognition of the problem for teleconference systems that is solved by the applicants in any of the references. In short, no motivation exists to combine the four cited references.

Claims 18, 22-24 and 26-47 were rejected under 35 U.S.C. § 103 as unpatentable over **Biswas et al** (Distributed Scheduling of Meetings) in view of **Rangan** (Software Architecture ...for Etherphone) and **Vin** (Multimedia Conferencing in the Etherphone Environment), and further with regard to **Champa** (USP 5,315,633) and the **IBM TDB** Vol. 34, No. 7a (1991). The case for a failure to provide motivation applies even stronger for the five references cited in this rejection. Moreover, the reason for citing the **IBM TDB** reference is because "Champa does not specifically disclose a data conference manager using network protocol to control the video conference. IBM disclosure teaches a data conference manager [Conference server] controlling video conference [tuners, Rfmod, Codec] using data network [LAN]." The reason for combining these references is because it would have enabled integration of data and AV conferences. However, Applicants are not claiming an integrated data and AV conference system alone, but one having specific features related to the specifically claimed system with a log-in protocol that provides a unique flexibility not seen in the prior art. **IBM TDB** does not suggest or teach such capability.

The addition of yet another reference, **IBM TDB**, similarly does not remedy the basic deficiency in the basic combination of three references. **IBM TDB** adds nothing to the defective combination of **Biswas, et al**, **Rangan**, **Vin** and **Champa**.

Applicant respectfully submits that the new claims 48-60, and the pending claims 2-10 and 12-47 are patentable for the reasons given. Applicant respectfully requests early and favorable consideration of these claims in light of Applicant's remarks and in view of the clear standard for combining references based on a motivation and teaching in the art without the use of hindsight.

**IN THE DRAWINGS:**

**Please see Request for Approval of Proposed Drawing Corrections Attached.**